



## **Staff Report**

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### **INTRODUCTION OF ORDINANCE AMENDMENTS TO BELMONT MUNICIPAL CODE CHAPTER TWO, ARTICLE VII, FINANCE COMMISSION**

Honorable Mayor and Council Members:

#### **Summary**

This staff report follows the discussion at the January 10, 2006 City Council meeting regarding proposed amendments to the City's Ordinances governing the Finance Commission. This item had previously been placed on the agenda pursuant to an Item Number Nine request by Councilmember Feierbach.

Staff recommends that the Council review and discuss the proposed Ordinance amendments as directed by the Council at the January 10, 2006 meeting, or alternatively, provide further direction to staff for revisions.

#### **Background and Discussion**

The January 10, 2006 staff report is attached. At the meeting, the Council directed staff to amend the Ordinance as follows:

1. Reduce the number of commissioners to from nine (9) to seven (7);
2. Eliminate the requirement that the City Council consider appointments from only those individuals recommended by the Finance Commission;
3. Require that the Finance Commission meet in the Council chambers;
4. Require the Commission meetings be recorded.

These changes are reflected in the attached Ordinance for introduction.

Subsequent to the City Council meeting, other possible changes have been discussed with staff. For example, the Council could consider eliminating the Finance Commission altogether, replacing it with a subcommittee of the City Council, or adopting a hybrid in which one or two City Council members would serve with a reconstituted Finance Commission.

The City treasurer recently proposed an revised language reducing the number of commissioners to seven (7), requiring meetings to be held in the Council chamber, requiring minutes to be posted on the City's website, and changing the appointment procedure as follows:

Sec. 2-152. Procedure for appointment to the commission.

Applications for the Finance Commission will be received by the City Clerk and forwarded to the Finance Commission Chair. The Finance Commission Chair will then invite the applicant(s) to attend and participate in three (3) consecutive Finance Commission meetings. The Finance Commission will then vote on whether or not to recommend the applicant(s) appointment to the Finance Commission to the City Council.

The City Council, at its discretion, will interview all applicant(s) whether recommended by the Finance Commission or not and then appoint the number applicant(s) needed to fill the Finance Commission vacancy(ies) and/or term expirations. ~~Appointment of commission members shall be made by the city council from recommendations submitted by the finance commission.~~

**Fiscal Impact**

Staff has not identified any fiscal impact of these proposed changes.

**Public Contact**

Posting of City Council agenda.

**Recommendation**

Staff recommends that the Council introduce the ordinance as presented, or as modified at the meeting, so it can be adopted at the next available meeting.

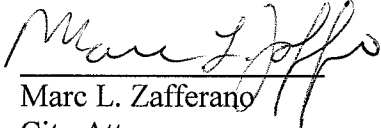
**Alternatives**

The City Council may wish to direct staff to pursue the alternatives discussed above.

**Attachments**

- A. January 10, 2006 Staff Report
- B. Ordinance for introduction

Respectfully submitted,

  
Marc L. Zafferano  
City Attorney

Staff Contact:

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(650) 593-3117  
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**ATTACHMENT A**

January 10, 2006 Staff Report with Attachments



## **Staff Report**

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### **DISCUSSION AND DIRECTION REGARDING AMENDMENTS TO BELMONT MUNICIPAL CODE CHAPTER TWO, ARTICLE VII, FINANCE COMMISSION**

Honorable Mayor and Council Members:

#### **Summary**

This staff report sets forth alternatives regarding amendment of the City's Ordinances governing the Finance Commission. This item is on the agenda pursuant to an Item Number Nine request placed on the November 23, 2005 agenda by Councilmember Feierbach.

Staff recommends that the Council review and discuss the current Ordinance and any proposed changes, and provide direction to staff for ordinance amendments.

#### **Background and Discussion**

Chapter 2 of the Belmont Municipal Code contains provisions relating to the Administration of the City. Chapter 2 was most recently revised in 2002. Article VII governs the Finance Commission. A copy of the current ordinances is attached hereto as Attachment A.

At the last meeting, the City Council directed staff to review the ordinances relating to the applicant pool for appointees to the commission, the number of commissioners, and the location of commission meetings.

There is no requirement in state law that cities create or maintain Finance Commissions. Cities do have the authority to create such commissions, as Belmont did, and pass local ordinances governing their operation. Accordingly, the City could reduce the number of members on the Commission from nine to some other number by amending section 2-151. If the City Council wishes to consider applicants to the Finance Commission other than those recommended directly by the Finance Commission, it could amend or delete section 2-152. With respect to the location of the Commission meetings, section 2-155 provides that "The regular meetings of the Commission should be held at a date and time set by the Commission." This section could be amended to specify that Commission meetings occur in the City Council chambers, or elsewhere as appropriate.

**Fiscal Impact**

Staff has not identified any fiscal impact of these proposed changes.

**Public Contact**

Posting of City Council agenda.

**Recommendation**

Staff recommends that the Council provide direction regarding the issues raised in this report so the ordinance can be revised and brought back for introduction at the next available meeting.

**Alternatives**

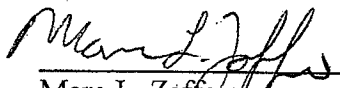
The City Council may wish to direct staff to pursue one of the following alternatives:

1. Leave the ordinance as it is.
2. Make changes other than those suggested by staff.

**Attachments**

- A. Chapter 2, Article VII

Respectfully submitted,

  
Marc L. Zafferano  
City Attorney

**Staff Contact:**

Marc L. Zafferano, City Attorney  
(650) 593-3117  
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**ATTACHMENT A**

Belmont Municipal Code Chapter 2, Article VII

**Sec. 2-126. Performance bonds.**

The city council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interest of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-127. Specifications for public works.**

The standard specifications of the city regulating the award and execution of contracts for the construction of public works and the construction of public works within the city printed in book form filed in the office of the city clerk, are hereby adopted and by reference incorporated herein as if fully set forth, except as hereinafter otherwise provided, as the "Standard Specifications Ordinance for Public Works of the City of Belmont."

The standard specifications may be amended, modified, altered or changed by a resolution duly adopted by the city council.

(Ord. No. 978, § 1, 3-26-02)

**Secs. 2-128—2-132. Reserved.****DIVISION 3. OPEN MARKET PROCEDURES****Sec. 2-133. Authorized.**

Purchases of supplies, equipment and professional services of an estimated value in the amount of five thousand dollars (\$5,000.00) or less may be made by the purchasing officer in the open market without observing the procedure prescribed by division 2 of this article.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-134. Minimum number of bidders; to whom let.**

Open market purchases shall, whenever possible, be based on at least three (3) bids and/or proposal and shall be awarded to the lowest responsible bidder and/or proposal in the best interest of the city.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-135. Solicitation of bids.**

The purchasing officer shall solicit bids by written requests to prospective vendors or by telephone and prospective vendors may place their name on the city's list of vendors to be considered for appropriate bids and proposals.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-136. Submission and record of bids.**

Sealed written bids and/or proposals shall be submitted to the purchasing officer who shall keep a record of all open market orders, bids and proposals. Records while so kept shall be open to public inspection.

(Ord. No. 978, § 1, 3-26-02)

**Secs. 2-137—2-147. Reserved.****ARTICLE VI. RESERVED****Secs. 2-148—2-150. Reserved.****ARTICLE VII. FINANCE COMMISSION****Sec. 2-151. Commission created; composition.**

There is hereby created a finance commission consisting of nine (9) members who shall be appointed by the city council and residents of the City of Belmont throughout their term. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-152. Procedure for appointment to the commission.**

Appointment of commission members shall be made by the city council from recommendations submitted by the finance commission.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-153. Terms of finance commissioner; vacancies.**

Members of the commission shall serve for a term of three (3) years without compensation.



Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February.

Vacancies on the commission occurring otherwise than by expiration of a term of office shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 978, § 1, 3-26-02)

#### **Sec. 2-154. Officers of the commission.**

The members of the commission shall meet in regular session and elect from their members a chairman and vice-chairman. The duties of such officers shall respectively be such as are usually performed by such officers. Officers shall hold office for one (1) year or until their successors are elected.

(Ord. No. 978, § 1, 3-26-02)

#### **Sec. 2-155. Commission rules of procedure; meetings.**

The commission shall adopt rules and regulations to govern its procedure. The regular meetings of the commission shall be held at a date and time set by the commission. Notice of commission meetings shall be given as required by the Government Code.

(Ord. No. 978, § 1, 3-26-02)

#### **Sec. 2-156. Quorum for commission; effect of absences.**

A majority of the regular voting members of the commission shall constitute a quorum. Absence from three (3) consecutive regular meetings, without the approval of the commission shall be deemed to constitute retirement of such member and the office may be declared vacant by the commission.

(Ord. No. 978, § 1, 3-26-02)

#### **Sec. 2-157. Commission minutes.**

Minutes of the commission's meetings shall be kept and shall be filed with the city clerk. Copies shall be made available to the city manager and members of the city council.

(Ord. No. 978, § 1, 3-26-02)

#### **Sec. 2-158. Commission duties.**

The duties of the commission shall be:

- (1) Participate in the budget review process.
- (2) As requested by the city council, based on financial considerations, evaluate proposals, programs and contracts for both the long and short term financial consequences, assess alternatives and make appropriate recommendations.
- (3) Serve as the audit committee for the city council.
- (4) Conduct an annual review of the city's investment policy.
- (5) Perform such other duties as may be assigned to the commission by the city council.

(Ord. No. 978, § 1, 3-26-02)

#### **Sec. 2-159. Reserved.**

### **ARTICLE VIII. PLANNING COMMISSION**

#### **Sec. 2-160. Commission created; composition.**

There is hereby created a planning commission consisting of seven (7) members who shall be appointed by the city council and residents of the City of Belmont throughout their term. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

#### **Sec. 2-161. Terms of planning commissions; vacancies.**

Members of the planning commission shall serve a term of three (3) years without compensation. The city council shall appoint planning commissioners to fill the offices as the terms of the members expire. Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February. Vacancies in the commission occurring otherwise than by expiration of a term of office

shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-162. Powers and duties of commission.**

It shall be the function and duty of the planning commission to do all things necessary and proper within its jurisdiction to carry out the intent and purposes of the state Government Code, and when so required, to perform such other acts and do all manner of things which it may be lawfully required to do or perform as set forth in the City's ordinances.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-163. Subdivision ordinance saved from repeal.**

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the subdivision ordinance of the city, being Ordinance Number 530, adopted March 8, 1974, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-164. Zoning ordinance saved from repeal.**

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the zoning ordinance of the city, being Ordinance Number 360, adopted March 27, 1967, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

(Ord. No. 978, § 1, 3-26-02)

**Secs. 2-165—2-169. Reserved.**

**ARTICLE IX. PARKS AND RECREATION COMMISSION**

**Sec. 2-170. Commission created; composition.**

There is hereby created a parks and recreation commission consisting of nine (9) members who

shall be appointed by the city council and residents of the City of Belmont throughout their term. Two of the nine (9) commissioners shall be at least thirteen (13) years old, and no more than seventeen (17) years old at the time of appointment (i.e., "youth commissioners") and must present parental consent to be considered for appointment. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-171. Terms of recreation and park commissioners; vacancies.**

Youth commissioners shall be appointed for one (1) year. All other appointments shall be for a term of two (2) years. All terms shall commence on the first day of March and end on the last day of February. Vacancies in the commission occurring otherwise than by expiration of term of office shall be filled in the manner herein set forth for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-172. Officers of commission.**

At the first regular meeting, following the first day of March of each year, or as soon thereafter as possible, the members of the commission shall elect from their members a chairman and a vice-chairman. The duties of such officers shall respectively be such as are usually performed by such officers. Such officers shall hold office for one (1) year or until their successors are elected.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-173. Commission rules of procedure; meetings.**

The regular meetings of the commission shall be held at a date and time set by the commission. Notice of commission meetings shall be given as required by the Government Code.

(Ord. No. 978, § 1, 3-26-02)

**Sec. 2-174. Quorum for commission; effect of absences.**

A majority of the regular members shall constitute a quorum. Absence from three (3) consec-

## **ATTACHMENT B**

Ordinance for introduction

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING CHAPTER 2, SECTION VII, FINANCE COMMISSION  
OF THE BELMONT CITY CODE

The City Council of the City of Belmont does ordain as follows:

**SECTION 1:** Chapter 2, SECTION VII, FINANCE COMMISSION, of the Belmont City Code  
is hereby amended to read as follows:

Chapter 2

ADMINISTRATION

ARTICLE VII. FINANCE COMMISSION

Sec. 2-151. Commission created; composition.

There is hereby created a finance commission consisting of ~~nineteen~~(97) members who shall be appointed by the city council and residents of the City of Belmont throughout their term. Except as herein provided no officer or employee of the city shall be eligible for appointment to membership on this commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-152. Procedure for appointment to the commission.

Appointment of commission members shall be made by the city council, ~~from recommendations submitted by the finance commission.~~

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-153. Terms of finance commissioner; vacancies.

Members of the commission shall serve for a term of three (3) years without compensation. Appointments shall be for a term of three (3) years commencing on the first day of March and ending on the last day of February.

Vacancies on the commission occurring otherwise than by expiration of a term of office shall be filled by the city council for the unexpired term of the commissioner ceasing to be a member of the commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-154. Officers of the commission.

The members of the commission shall meet in regular session and elect from their members a chairman and vice-chairman. The duties of such officers shall respectively be such as are usually performed by such officers. Officers shall hold office for one (1) year or until their successors are elected.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-155. Commission rules of procedure; meetings.

The commission shall adopt rules and regulations to govern its procedure. The regular meetings of the commission shall be held in the council chambers at a date and time set by the commission. Notice of commission meetings shall be given as required by the Government Code.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-156. Quorum for commission; effect of absences.

A majority of the regular voting members of the commission shall constitute a quorum. Absence from three (3) consecutive regular meetings, without the approval of the commission shall be deemed to constitute retirement of such member and the office may be declared vacant by the commission.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-157. Commission minutes.

The commission shall record its meetings. Minutes of the commission's meetings shall be kept and shall be filed with the city clerk. Copies shall be made available to the city manager and members of the city council.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-158. Commission duties.

The duties of the commission shall be:

- (1) Participate in the budget review process.
- (2) As requested by the city council, based on financial considerations, evaluate proposals, programs and contracts for both the long and short term financial consequences, assess alternatives and make appropriate recommendations.
- (3) Serve as the audit committee for the city council.
- (4) Conduct an annual review of the city's investment policy.
- (5) Perform such other duties as may be assigned to the commission by the city council.

(Ord. No. 978, § 1, 3-26-02)

Sec. 2-159. Reserved.

**SECTION 2: Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

**SECTION 3:** Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

**SECTION 4:** The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\* \* \* \* \*

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

AYES, COUNCILMEMBERS: \_\_\_\_\_

NOES, COUNCILMEMBERS: \_\_\_\_\_

ABSENT, COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN, COUNCILMEMBERS: \_\_\_\_\_

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Mayor of the City of Belmont

ATTEST:

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Clerk of the City of Belmont